

5.0 CEQA MANDATORY FINDINGS OF SIGNIFICANCE

5.1 USE OF THE TERM “SIGNIFICANT”

The following information is provided to clarify the difference between National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) requirements for the determination of significance. While CEQA requires that a determination of significant impacts be stated in the EIR/EIS, NEPA does not. Under NEPA, significance is used to determine whether an EIS, or some lower level of documentation, will be required. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision to do an EIS is made, it is the magnitude of the impact that is evaluated and no judgement of its significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the EIS/EIR; however, such a determination is required by CEQA. This section discusses the significance of impacts according to CEQA for the Route 78-111 Brawley Bypass project. All build alternatives have the same determinations. Please see the appropriate sections of Chapter 4 for more detailed discussions of impacts and proposed mitigation measures.

For the purposes of the impact discussion in this section of the EIS-EIR, determinations of significant impacts will be made in the CEQA context. The CEQA Guidelines define “significant effect” as “... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant” (CEQA Guidelines, 15382).

“An ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area” (CEQA Guidelines 15064).

5.2 SIGNIFICANT ADVERSE IMPACTS UNDER (CEQA)

Chapter 4 identifies the impacts of the project alternatives and specified mitigation measures intended to reduce or eliminate adverse project effects. Mitigation will not be effective in reducing certain impacts to a level of insignificance. The unavoidable significant impacts are discussed below.

5.21 Farmland

The build alternatives under construction would result in the conversion of agricultural land to transportation use. Between 155 ha (386 acres) and 185 ha (459 acres) of agricultural land would be converted depending on the alternative selected. Between 57 ha (140 acres) and 66 ha (162 acres) of prime agricultural land, and between 91 ha (224 acres) and 129 ha (319 acres) of farmland of Statewide significance will be converted by the build alternatives.

Given the value of Imperial Valley farmland, and the ongoing cumulative effect of other projects and developments, this farmland impact is considered significant for both direct and cumulative impacts for all the build alternatives. Mitigation will be in the form of preservation of farmland; details are provided in Chapter 4, Section 4.17.

5.2.2 Social and Economic Impacts

Agricultural support businesses provide key processing and distribution roles (as well as jobs) within the County's agricultural sector and the City of Brawley. For example, the Imperial Grain Growers Cooperative processes over 19% of Imperial County's wheat, the number ten agricultural commodity in the County. The Fredricks Alternative would have a potentially significant impact to the agricultural economy if additional businesses (as described in Sections 3.2.1, 3.4, 4.5.1, 4.5.2 and 4.6) have to be relocated or are adversely affected by project construction during the harvest season. It is not anticipated at this time that these businesses would require relocation or have substantial adverse impacts.

The Future Farmers of America pig barn would be acquired for the Fredricks Alternative. Every effort will be made to relocate this barn to ensure it remains viable, as a community resource. If relocation is impossible and this resource was lost, the loss would be considered a significant impact.

5.2.3 Biological Resources Impacts

Significant impacts occur to the following biological resources: wildlife movement, wildlife habitat, and the western burrowing owl.

Wildlife Movement and Wildlife Habitat

All areas of the New River serve as a wildlife corridor, however, only the area in the vicinity of the Fredricks Alternative contributes significantly to regional wildlife movement. Therefore, only the Fredricks Alternative would have a significant impact on wildlife movement. A special design measure has been incorporated into the project to minimize this impact; the bridges over the New River are to be built longer than would be necessary for engineering/hydraulic reasons. Also, enhancement and creation of wetlands, and planting of native vegetation will occur in areas near the bridges. These measures will mitigate for the significant impact to wildlife habitat within the New River floodplain. The impact would remain significant after mitigation.

Wildlife Species

Potential significant impacts will occur to the western burrowing owl regardless of the alternative chosen. This is considered a significant impact because of the sensitivity of the species, the number of birds impacted, and the regional significance of this population. Burrowing owls and burrows occur throughout the project area. Burrowing owl burrows that occur within the path of the selected alignment will be collapsed after owls have been evicted. Owls will be evicted under the direction of a qualified biologist outside the window of their breeding season (February 1 through August 31). As discussed in Chapter 4, Section 4.7, mitigation measures will reduce the impacts but not to a level below significance.

No direct impacts will occur to the Yuma Clapper Rail or the Southwestern Willow Flycatcher, and no significant impact is anticipated.